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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/085,755	05/27/1998	FRAMPTON ERROLL ELLIS, III	GNC12US	7351

7590 02/07/2002

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EXAMINER

DINH, DUNG C

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 02/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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DATE MAILED: 12/05/2001

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HG

Office Action Summary

Application No.

09/085,755

Applicant(s)

ELLIS, III, FRAMPTON ERROLL

Examiner

Dung Dinh

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 19 6) ☐ Other: _____

DETAILED ACTION

Specification

The title of the invention is not descriptive of the claimed invention. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertazzi et al. US patent 5,889,989 and further in view of Hodroff US patent 5,592,376.

As per claim 9, Robertazzi discloses a network server (controller 103) for a network of computers (107,105,109) comprising:

a first mechanism for the network server to function as a master in a shared processing operation, including parallel processing, involving at least two personal computers, connected

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to the network server through the network (114), functioning as slaves to said master (col.1 lines 10-15);

a second mechanism for the master network server to subdivide the operation into a plurality of parts, and to send one of the parts to each of the slaves for processing by the slaves (col.2 lines 66 - col.3 line 5); and

a compensation determining mechanism to determine compensation for processing service provided by the personal computers in the shared processing operation (col.3 lines 22-42).

Robertazzi does not teaches determining a net charge based not a difference between the monitored amount of processing power provided and the monitored amount of network resource used by the personal computer.

It is known in the art to barter / exchange excess capacity for other goods and services. Hodroff discloses one such system [col.5 lines 16-24, col.2 lines 61-64]. The type of good or service being exchange for the excess capacity clearly would have been a matter of agreement among the participating parties. Since, the user normally must pay for network service. It would have been clearly obvious to barter the excess processing power (i.e. idle computer processing power) in exchange for discount on network access because it would have reduced the cost of the user's network access usage.

It is basic business practice that a net charge is based on the difference of the amount of credit earned and the amount of credit spend. It is inherent that the system would have a monitoring mechanism to measure the amount of processing power provided from the user and the amount of network access used by the user in order to maintain and calculate the net cost/credit to the user of the personal computer.

As per the various limitations claimed in 7 to 41: Internet, single chip computer, transmission speed, etc., these limitations are clearly obvious variation within scope of the prior art teaching. The financial and cost calculations, measurement would have clearly been apparent as a business process of bartering/exchange of computer processing power.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2100 Customer Service whose telephone number is (703) 306-5631.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

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or faxed to:

(703) 746-7238, (for formal communications intended for entry)

(703) 746-7240 (for informal or draft communications, please
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington. VA, Fourth Floor (Receptionist).



Dung Dinh
Primary Examiner
November 30, 2001